



1675 Broadway, 19th Floor
New York, NY 10019-5820

TEL 212.223.0200
FAX 212.223.1942
www.ballardspahr.com

James A. Mitchell
Tel: 212.223.0200 ext. 8006
Fax: 212.223.1942
mitchellj@ballardspahr.com

December 10, 2021

Filed on ECF

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Coppero, 15 Cr. 178 (PGG)

Dear Judge Gardephe:

I represent Nino Coppero Del Valle, who is currently scheduled to be sentenced by Your Honor on January 17, 2022. I write to respectfully request (with the joinder of the government) that the Court enter the accompanying proposed order allowing Mr. Coppero's sentencing to take place remotely, either by video or teleconference, pursuant to the CARES Act. Under the CARES Act, sentencing hearings can be conducted virtually when holding such a hearing in person "cannot be conducted without seriously jeopardizing public health and safety," the Court finds that further delay in the proceedings will result in "serious harm to the interests of justice," and the defendant consents to such a hearing. CARES Act., Pub. L. 116-136 §§ 15002(b)(2), (4). *See United States v. Cohen*, 2020 U.S. Dist. LEXIS 88332, *2, 2020 WL 2539115 (S.D.N.Y. May 19, 2020).

First, Mr. Coppero resides in Peru with his family. He has lived there since pleading guilty in 2015. Travel to the United States for sentencing would subject him to exposure to Covid-19 (including the new omicron variant). Mr. Coppero, although vaccinated, previously contracted Covid-19 and suffered significant health symptoms as a result (strong migraines, high fever, and a respiratory infection that led to three days of hospitalization). He continues to have headaches and other physical manifestations of the virus. He also has two young children in Peru (one of whom suffers from a chronic kidney disease), for whom a vaccine is not yet available. The safety risks to Mr. Coppero and his family are thus evident. Second, Mr. Coppero pleaded guilty in 2015 (for conduct that took place in 2014), and he has been awaiting sentencing since then. The government is prepared to move forward with the sentencing, and given the indefinite duration of the pandemic conditions, further delaying the sentencing would only make Mr. Coppero have to wait longer for the just resolution of this matter beyond the six years that have already passed since his guilty plea. Given the absence

of any countervailing reasons, putting off his sentencing would, we respectfully submit, not be in the interests of justice. Finally, Mr. Coppero consents to holding the sentencing remotely, either by videoconference or telephonically. If the Court desires, Mr. Coppero's counsel is prepared to appear in person at the sentencing.

Thank you for your consideration of this request.

Respectfully Submitted,

/s/ JAM

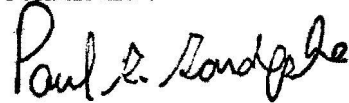
James A. Mitchell

cc: A.U.S.A. Scott Hartman (by ECF)

MEMO ENDORSED:

With the Defendant's consent, the sentencing currently scheduled for January 17, 2022 will now take place on **January 18, 2022 at 11:30 a.m. by telephone**. The parties are directed to dial 888-363-4749 to participate, and to enter the access code 6212642. The press and public may obtain access to the hearing by dialing the same number and using the same access code. The Court is holding multiple telephone conferences on this date. The parties should call in at the scheduled time and wait on the line for their case to be called. At that time, the Court will un-mute the parties' lines. By **January 14, 2022 at 5:00 p.m.**, the parties must email Michael_Ruocco@nysd.uscourts.gov and GardepheNYSDChambers@nysd.uscourts.gov with the phone numbers that the parties will be using to dial into the hearing so that the Court knows which numbers to un-mute. The email should include the case name and case number in the subject line.

SO ORDERED.



Paul G. Gardephe
United States District Judge
Dated: January 6, 2022